

Transportation & Economic Development Appropriations Committee

**Wednesday, March 22, 2006
4:15 p.m. - 5:45 p.m.
Reed Hall (102)**

**Allan G. Bense
Speaker**

**Don Davis
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Speaker Allan G. Bense

(AMENDED 3/21/2006 2:52:21PM)

Amended(1)

Transportation & Economic Development Appropriations Committee

Start Date and Time: Wednesday, March 22, 2006 04:15 pm

End Date and Time: Wednesday, March 22, 2006 05:45 pm

Location: Reed Hall (102 HOB)

Duration: 1.50 hrs

Consideration of the following bill(s):

HB 531 CS Prosperity Campaigns by Jennings

HB 627 CS License Plates by Brummer

HB 905 Transportation Concurrency Management by Goodlette

HB 963 CS License Plates by Gannon

Workshop on the following:

Budget Workshop

NOTICE FINALIZED on 03/21/2006 14:52 by SLB



Florida House of Representatives

Fiscal Council

Committee on Transportation & Economic Development Appropriations

Allan G. Bense
Speaker

Don Davis
Chair

AGENDA

Transportation & Economic Development Appropriations

Wednesday, March 22, 2006

4:15 p.m. – 5:45 p.m.

Reed Hall (102 EL)



- I. Meeting Call to Order**
- II. Opening remarks by Chairman Davis**
- III. Consideration of the following bill(s):**
 - HB 531 CS Prosperity Campaigns by Jennings**
 - HB 627 CS License Plates by Brummer**
 - HB 905 Transportation Concurrency Management by Goodlette**
 - HB 963 CS License Plates by Gannon**
- IV. Budget Workshop**
- V. Closing Remarks & Adjournment**

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 531
SPONSOR(S): Jennings
TIED BILLS:

Prosperity Campaigns

IDEN./SIM. BILLS: SB 1224

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Economic Development, Trade & Banking Committee</u>	<u>15 Y, 0 N, w/CS</u>	<u>Olmedillo</u>	<u>Carlson</u>
2) <u>Transportation & Economic Development Appropriations Committee</u>	<u></u>	<u>McAuliffe</u> 	<u>Gordon</u> 
3) <u>Community Colleges & Workforce Committee</u>	<u></u>	<u></u>	<u></u>
4) <u>Commerce Council</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

HB 531 creates a Prosperity Campaign Council to be housed in Workforce Florida, Inc., to develop, enhance and assist in the coordination of Prosperity Campaigns throughout the state with the goal of providing economic benefit services and related information to Florida citizens.

The Florida Prosperity Campaign Council, is composed of 20 members and assigned the following responsibilities:

- Assisting in the development and enhancement of Prosperity Campaigns and related programs throughout the state;
- Work with all levels of government, non-profit entities and the private sector to provide economic benefit services and related information to Florida citizens;
- Work with the Department of Education in developing financial literacy instruction to be part of the life management skills course;
- Take other action as necessary to perform its function; and
- Provide a report to the Governor regarding the effectiveness of the Council.

The bill specifies the composition and size of the Council, the term of the appointments, the frequency of meetings, and its organizational structure.

Additionally, HB 531 requires financial literacy instruction to be included in the required high school life management skills course.

The provisions of this bill relating to Prosperity Campaign Council will be repealed on July 1, 2010, unless reviewed and saved from repeal by the Legislature.

The Agency for Workforce Innovation reports the fiscal impact for this bill as indeterminate. **See "Fiscal Comments."**

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited Government - The bill creates the Prosperity Campaign Council, composed of 20 members and housed within Workforce Florida, Inc., to establish and coordinate Prosperity Campaigns throughout Florida.

Empower families – The bill encourages the Prosperity Campaign to connect low-wage workers to the Earned Income Tax Credit (EITC) and the Childcare Tax Credit; offer free tax preparation services, economic benefits screening and other related services. As a result, more low-wage workers will be informed and will likely apply for this credit, which will increase their income even when the amount of the EITC exceeds the amount of taxes workers owe.

Promote Personal Responsibility – The bill encourages Prosperity Campaigns to educate citizens about available economic benefit programs and the importance of wise financial decision-making. Consequently, the bill may reduce government dependency.

B. EFFECT OF PROPOSED CHANGES:

EARNED INCOME TAX CREDIT (EITC)

Present Situation

Created in 1975, the Earned Income Tax Credit (EITC), sometimes called Earned Income Credit (EIC), is a refundable federal income tax credit for low-income working individuals and families. According to the Tax Policy Center (Tax Notes, March 14, 2005); the EITC, administered through the federal income tax system, is the largest cash assistance program for low-income families. The EITC program is designed to encourage work by subsidizing people's wages. The EITC provides up to \$4,400 a year for working families with two or more children. In 2002, the EITC lifted approximately 4.9 million people out of poverty.

In a January 17, 2006 news article, Workforce Florida, Inc. stated that "[b]ased on the information from the IRS it is projected that as much as \$635 million goes unclaimed by the estimated 350,000+ families/individuals in Florida who are not taking advantage of the EITC."

According to the Agency for Workforce Innovation: the state's workforce system, led by Workforce Florida, Inc., the Agency for Workforce Innovation and the 24 Regional Workforce Boards has emphasized and conducted annual Earned Income Tax Credit (EITC) informational campaigns for several years. These informational campaigns target first-time workers, the "working poor" and those exiting from public assistance through employment. Additionally, the Department of Children and Families also provides similar notices to public assistance participants and other low-wage workers.

Local workforce efforts are often conducted in collaboration with local Prosperity Campaigns, financial literacy programs and other similar efforts to demonstrate that "work pays". Currently, Prosperity Campaigns exist in 12 counties throughout Florida.

Effect of Proposed Changes

Prosperity Campaign Council

The HB 531 creates the "Prosperity Campaign Council" (Council), to be housed in Workforce Florida, Inc. The Council is directed to develop, enhance and assist in the coordination of Prosperity Campaigns throughout the state with the goal of providing economic benefit services and related information to Florida citizens.

The composition of the Council is as follows:

- One member of the Senate appointed by the President of the Senate, who shall serve as an ex officio, nonvoting member;
- One member of the House of Representatives appointed by the Speaker, who shall serve as an ex officio, nonvoting member;
- The Chief Financial Officer or his or her designee, who shall serve as an ex officio, nonvoting member;
- The Commissioner of Education or his or her designee, who shall serve as an ex officio, nonvoting member;
- Four individuals each representing a different Prosperity Campaign in the state and appointed by the Governor;
- One representative from each of the following organizations or entities, who shall be appointed by the Governor:
 - Greater Miami Prosperity Campaign;
 - Florida Bankers Association;
 - The Florida Institute of Certified Public Accountants (CPAs);
 - The Florida League of Cities;
 - The Florida Credit Union League;
 - The Florida Association of Counties;
 - The Florida Association of Realtors;
 - United Way of Florida;
 - Leadership Florida;
 - The Florida Chamber of Commerce;
 - A non-profit or community based low wage worker organization; and
 - The Florida Jump\$tart Coalition for Personal Financial Literacy.

The bill also sets the length of a term of appointment for each member at 2 years beginning on July 1, 2006 and requires that a vacancies be made for the balance of the unexpired term in the same manner as the original appointments.

Council members will serve without compensation. However, they are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061, F.S.

The Council's responsibilities are as follows:

- Assisting in the development and enhancement of Prosperity Campaigns and related programs throughout the state, using the best practices developed by Prosperity Campaigns in Florida and nationally;
- Work with all levels of government, non-profit entities and the private sector to provide economic benefit programs and financial literacy information to Florida citizens;
- Work with the Department of Education in developing financial literacy instruction to be part of the life management skills course pursuant to s. 1003.43; and
- Take other action as necessary to meet its statutory mission.

Beginning June 30, 2007, and annually thereafter, the Council must provide a report to the Governor and the Legislature on the Council's effectiveness, obstacles and future recommendations for legislative action.

The provisions of the bill relating to the Prosperity Campaign Council will stand repealed on July 1, 2010, unless it is reviewed and saved from repeal through reenactment.

FINANCIAL LITERACY IN HIGH SCHOOLS

Present Situation

Currently, 24 credits are required for high school graduation, pursuant to s. 1003.43, F.S. These include:

- one-half credit in life management skills which includes consumer education; and

- one-half credit in economics that includes a comparative study of the history, doctrines and objectives of all major economic systems. The Florida Council on Economic Education provides technical assistance to the department and district school boards in developing curriculum and materials for the study of economics.

Effect of Proposed Changes

The HB 531 requires the Prosperity Campaign Council to work with the Department of Education in developing a financial literacy instruction to be part of the life management skills course required for high school graduation. The financial literacy instruction must focus on the importance of financial management, savings investments, credit scores, savings and additional materials.

The HB 531 requires financial literacy instruction to be included in the high school life management skills course required for high school graduation.

C. SECTION DIRECTORY:

Section 1: Creates s. 445.057, F.S., to establish the Prosperity Campaign Council; establishes the composition and size of the Council, the term of the appointments, the frequency of meetings, its organizational structure, its mission and responsibilities.

Section 2. Amends s. 1003.43, F.S., relating to general requirements for high school graduation; requiring financial literacy instruction to be part of the life management skills one-half credit requirement.

Section 3: Provides that the bill will take effect July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See fiscal comments.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See fiscal comments.

2. Expenditures:

See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

If this law brings greater awareness to the availability of the EITC for working families and individuals, the qualifying families and individuals who receive federal monies would presumably spend that money locally.

D. FISCAL COMMENTS:

Costs

The 20 member council, which is to be administratively housed within Workforce Florida, defines a number of coordination and information dissemination roles for the council, such as hosting the required council meeting, preparations, publication, and dissemination of printed materials to businesses and employees, and providing free tax preparation, economic benefit screenings and providing other related services to individuals. According to the Agency for Workforce Innovation, in order to provide these types of services a minimum, one full time staff position and a half-time support position will be needed to implement and support the council.

The cost of these activities is difficult to determine; however, the following is a projected estimate of state level costs:

1.5 Full time employees with salary and benefits at \$87,000; quarterly meetings at \$50,000, printing/copying/publication/consultants/postage/supplies/miscellaneous at \$15,000; traveling/meetings outside of the quarterly meetings at \$10,000. The total state level cost is estimated at \$162,000.

The local level costs are estimated at \$120,000, for staff and materials for twenty-four Regional Workforce Boards.

In sum, the total costs for local and state level is \$282,000.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

HB 531 does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. HB 531 does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. HB 531 does not reduce the percentage of state tax shared with municipalities or counties.

2. Other: None.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On January 26, 2006, the Economic Development, Trade and Banking Committee adopted a strike-all amendment to the bill. The amendment reorganizes and clarifies the purpose and methods by which the Prosperity Campaign Council will operate, and removes redundant and unnecessary language.

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CHAMBER ACTION

The Economic Development, Trade & Banking Committee recommends
the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to Prosperity Campaigns; creating s.
445.057, F.S.; establishing the Florida Prosperity
Campaign Council within Workforce Florida, Inc.; providing
membership; providing for meetings and reimbursement for
per diem and travel expenses; providing duties of the
council; requiring development of financial literacy
instruction to be included in high school life management
skills coursework; providing reporting requirements;
providing for repeal; amending s. 1003.43, F.S., relating
to general requirements for high school graduation;
requiring financial literacy instruction to be part of the
life management skills credit requirement; providing an
effective date.

Be It Enacted by the Legislature of the State of Florida:

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Section 1. Section 445.057, Florida Statutes, is created to read:

445.057 Florida Prosperity Campaign Council.--

(1) There is established the Florida Prosperity Campaign Council to be administratively housed in Workforce Florida, Inc. The council shall develop, enhance, and assist in the coordination of Prosperity Campaigns throughout the state with the goal of providing economic benefits services and related information to Florida citizens.

(2) The council shall consist of the following members, each appointed by the Governor except as otherwise provided:

(a) One member of the Senate appointed by the President of the Senate, who shall serve as an ex officio, nonvoting member.

(b) One member of the House of Representatives appointed by the Speaker of the House of Representatives, who shall serve as an ex officio, nonvoting member.

(c) The Chief Financial Officer or his or her designee, who shall serve as an ex officio, nonvoting member.

(d) The Commissioner of Education or his or her designee, who shall serve as an ex officio, nonvoting member.

(e) Four persons representing different Prosperity Campaigns in the state.

(f) One member of the Greater Miami Prosperity Campaign.

(g) One representative from the Florida Bankers Association.

(h) One representative from the Florida Institute of CPAs.

(i) One representative from the Florida Credit Union League.

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- 51 (j) One representative from the Florida League of Cities.
- 52 (k) One representative from the Florida Association of
- 53 Counties.
- 54 (l) One representative from the Florida Association of
- 55 Realtors.
- 56 (m) One representative from United Way of Florida.
- 57 (n) One representative from Leadership Florida.
- 58 (o) One representative from the Florida Chamber of
- 59 Commerce.
- 60 (p) One representative from a nonprofit or community-based
- 61 low-wage worker organization.
- 62 (q) One representative from the Florida Jump\$tart
- 63 Coalition for Personal Financial Literacy.
- 64 (3) Council members shall be appointed to serve 2-year
- 65 terms beginning July 1, 2006. A vacancy on the council shall be
- 66 filled for the balance of the unexpired term in the same manner
- 67 as the original appointment.
- 68 (4) The council shall meet quarterly or upon the call of
- 69 the chair. Annually, at the meeting in the first quarter,
- 70 officers consisting of a chair, vice chair, and secretary shall
- 71 be elected to serve until a successor is elected. No officer
- 72 shall serve more than 2 consecutive years in the same office.
- 73 (5) Members of the council shall serve without
- 74 compensation, but shall be reimbursed for per diem and travel
- 75 expenses in accordance with s. 112.061.
- 76 (6) The council shall have the following responsibilities:
- 77 (a) Assist in the development and enhancement of
- 78 Prosperity Campaigns and related programs throughout the state,

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79 using best practices developed by Prosperity Campaigns in
80 Florida and nationally.

81 (b) Work with federal, state, and local governments,
82 nonprofit entities, and the private sector to provide
83 information to Florida citizens about economic benefits programs
84 and financial literacy.

85 (c) Work with the Department of Education in developing
86 financial literacy instruction to be part of the life management
87 skills course pursuant to s. 1003.43.

88 (d) Take other action as necessary to meet its statutory
89 mission as described in subsection (1).

90 (7) By June 30, 2007, and annually thereafter, the council
91 shall provide a detailed report to the Governor, the President
92 of the Senate, and the Speaker of the House of Representatives
93 on the council's performance of the responsibilities required by
94 subsection (6). The report shall include an assessment of the
95 effectiveness of Prosperity Campaigns and an evaluation of
96 obstacles to that effectiveness and shall make recommendations
97 for legislative action.

98 (8) The provisions of this section shall stand repealed on
99 July 1, 2010, unless saved from repeal through reenactment by
100 the Legislature.

101 Section 2. Paragraph (i) of subsection (1) of section
102 1003.43, Florida Statutes, is amended to read:

103 1003.43 General requirements for high school graduation.--

104 (1) Graduation requires successful completion of either a
105 minimum of 24 academic credits in grades 9 through 12 or an

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International Baccalaureate curriculum. The 24 credits shall be distributed as follows:

(i) One-half credit in life management skills to include instruction in financial literacy focused on the importance of financial management, savings, investments, credit scores, and other relevant subjects; consumer education; positive emotional development; marriage and relationship skill-based education; nutrition; parenting skills; prevention of human immunodeficiency virus infection and acquired immune deficiency syndrome and other sexually transmissible diseases; benefits of sexual abstinence and consequences of teenage pregnancy; information and instruction on breast cancer detection and breast self-examination; cardiopulmonary resuscitation; drug education; and the hazards of smoking.

District school boards may award a maximum of one-half credit in social studies and one-half elective credit for student completion of nonpaid voluntary community or school service work. Students choosing this option must complete a minimum of 75 hours of service in order to earn the one-half credit in either category of instruction. Credit may not be earned for service provided as a result of court action. District school boards that approve the award of credit for student volunteer service shall develop guidelines regarding the award of the credit, and school principals are responsible for approving specific volunteer activities. A course designated in the Course Code Directory as grade 9 through grade 12 that is taken below the 9th grade may be used to satisfy high school graduation

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134 requirements or Florida Academic Scholars award requirements as
135 specified in a district school board's student progression plan.
136 A student shall be granted credit toward meeting the
137 requirements of this subsection for equivalent courses, as
138 identified pursuant to s. 1007.271(6), taken through dual
139 enrollment.

140 Section 3. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **531 CS**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Transportation & Economic
Development Appropriations Committee
Representative Jennings offered the following:

Amendment (with title amendments)

between lines 139 and 140 insert:

Section 3. The sum of \$162,000 is appropriated from the
General Revenue Fund in fiscal year 2006-2007 to Workforce
Florida Inc., to fund the Florida Prosperity Campaign Council as
created by this act.

===== T I T L E A M E N D M E N T =====

Remove line 18 and insert:
life management skill credit requirement; providing an
appropriation; providing an

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HOUSE OF REPRESENTATIVES STAFF ANALYSIS



BILL #: HB 627 CS

License Plates

SPONSOR(S): Brummer

TIED BILLS:

IDEN./SIM. BILLS: SB 538

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Criminal Justice Committee</u>	<u>6 Y, 1 N, w/CS</u>	<u>Kramer</u>	<u>Kramer</u>
2) <u>Transportation Committee</u>	<u>13 Y, 4 N, w/CS</u>	<u>Thompson</u>	<u>Miller</u>
3) <u>Transportation & Economic Development Appropriations Committee</u>	<u></u>	<u>McAuliffe</u> 	<u>Gordon</u> 
4) <u>Justice Council</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

HB 627 w/CS requires the Department of Highway Safety and Motor Vehicles to develop a DUI license plate that must be displayed on any vehicle that is operated by a person whose driving privileges are restricted pursuant to s. 322.271, F.S. because of a conviction related to driving under the influence. The bill also requires the DUI license plate to be a condition of issuance of the offender's restricted driver license.

The license plate must be a bright coral color that is easily distinguished from other license plates issued by the department. The bill requires the first three letters of the plate to be "DUI". The bill requires an additional annual surcharge of \$20 to be collected for each DUI plate and the proceeds from the surcharge to be deposited into the Trauma Services Trust Fund.

This bill becomes effective July 1, 2006

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government: The bill requires a person who has been convicted of DUI to use a DUI license plate in certain circumstances.

B. EFFECT OF PROPOSED CHANGES:

Upon conviction for driving under the influence (DUI)¹, the court must revoke the driver's license of the convicted person as follows:

- For a first conviction, the driver's license must be revoked for not less than 180 days or more than 1 year.
- For a second conviction for an offense that occurs within 5 years after the date of a prior conviction, the driver's license must be revoked for not less than 5 years.
- For a third conviction for an offense that occurs within a period of 10 years after the date of a prior conviction, the driver's license must be revoked for not less than 10 years.
- For a fourth conviction, the driver's license must be permanently revoked.²

Section 322.271, F.S. authorizes the department to issue a restricted license that is commonly known as a "hardship" license upon a showing that the revocation of an offender's license causes a serious hardship and precludes the person's carrying out his or her normal business, occupation, trade or employment and that the use of the person's license in the normal course of his or her business is necessary to the proper support of the person or his or her family. The following are the two types of restricted driving privileges for a DUI:

- A driving privilege restricted to business purposes only, means a driving privilege that is limited to any driving necessary to maintain livelihood, including driving to and from work, necessary on-the-job driving, driving for educational purposes, and driving for church and for medical purposes.
- A driving privilege restricted to employment purposes only, means a driving privilege that is limited to driving to and from work and any necessary on-the-job driving required by an employer or occupation.

A person whose license has been revoked for a DUI offense for 5 years or less is required to wait 12 months before applying for a hardship license. A person whose license has been revoked for more than 5 years is required to wait 24 months before applying for a hardship license.³ A person whose license has been permanently revoked because of a fourth DUI conviction is not eligible to apply for a hardship license.⁴

HB 627 w/CS requires the Department of Highway Safety and Motor Vehicles to develop a DUI license plate that must be displayed on any vehicle that is operated by a person whose driving privileges are restricted pursuant to s. 322.271, F.S. because of a conviction relating to driving under the influence in violation of s. 316.193, F.S.

The license plate must be a bright coral color that is easily distinguished from other license plates issued by the department. The bill requires the word "Florida" to appear at the top of the plate and the first three letters of the plate to be "DUI". The bill requires an additional annual surcharge of \$20 to be

¹ s. 316.193, F.S.

² s. 322.28(2)(a), F.S.

³ s. 322.271(2)(b), F.S.

⁴ s. 322.28(2)(e), F.S.

collected for each DUI plate and the proceeds from the surcharge to be deposited into the Trauma Services Trust Fund created by s. 395.4035, F.S.⁵

The bill also amends s. 322.27, F.S., to provide that as a condition of issuance of the "hardship license" the DHSMV must place the DUI license plate restriction on the offender's driver license. The purpose of the placement of the additional restriction on the offender's driver license is to inform law enforcement that a DUI license plate must be displayed on the vehicle being operated by the offender.

C. SECTION DIRECTORY:

Section 1. Requires a driver whose driving privilege is restricted for a DUI offense to have a DUI license plate; provides for the design of the plate; and provides for the collection and use of a \$20 surcharge for the license plate.

Section 2. Amends s. 322.27, F.S., to require a DUI license plate restriction as a condition of issuing a hardship license.

Section 3. Provides effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Department of Highway Safety and Motor Vehicles (DHSMV) estimates that the bill will generate \$240,000 annually from surcharges for deposit into the Trauma Services Trust Fund based on the issuance of 12,000 hardship licenses per year.

2. Expenditures:

The department estimates that the bill will have an annual \$44,520 impact for the design, manufacture and distribution of a new license plate - \$15,000 in personnel costs and \$29,520 in license plate costs. The bill will also require contracted programming modifications to the Motor Vehicle software systems at an estimated cost of \$26,915.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A person who is issued a DUI license plate will be required to pay a \$20 annual surcharge for the license plate.

D. FISCAL COMMENTS:

None.

⁵ Section 395.4035, F.S. creates the Trauma Services Trust Fund which is required to be used for the development and support of a system of state-sponsored trauma centers.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

Special license plate: In *Goldschmitt v. State*,⁶ the Second District Court of Appeal ruled on the constitutionality of a DUI offender being required to place a bumper sticker on his vehicle which read, "CONVICTED D.U.I. – RESTRICTED LICENSE". The court rejected the offender's claim that the order infringed upon his First Amendment rights by "forcing him to broadcast an ideological message via the bumper sticker."⁷ The court also ruled that the bumper sticker did not constitute cruel and unusual punishment. *See also, Lindsay v. State*, 606 So.2d 652 (Fla. 4th DCA 1992)(requirement that probationer place and pay for advertisement in newspaper consisting of defendant's mug shot, name and caption indicating defendant was "DUI –convicted" did not violate constitution).

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

According to the bill's sponsor, this legislation is intended to address a public safety issue by providing notice to other drivers that a vehicle is being operated by a person whose driving privileges are restricted due to a violation of driving under the influence.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The Criminal Justice Committee adopted three amendments. The first amendment changed the color of the license plate from bright pink to bright coral. The second amendment removed language from the original bill which would have allowed a law enforcement officer to stop any vehicle that bears a DUI plate without probable cause to check the operator for compliance with the restrictions provided in s. 316.193, F.S. The third amendment corrected a statutory reference in the bill.

On March 7, 2006 the Committee on Transportation amended HB 627 to require the DUI license plate restriction as a condition of issuance of the offender's restricted driver license. The committee then voted 13-4 to report the bill favorably with committee substitute.

⁶ *Goldschmitt v. State*, 490 So.2d 123 (Fla. 2nd DCA 1986)

⁷ *Goldschmitt*, 490 So.2d at 125.

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CHAMBER ACTION

The Transportation Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to license plates; requiring a driver whose driving privileges are restricted because of a conviction related to driving under the influence to have a DUI plate on any vehicle that he or she operates; providing for the Department of Highway Safety and Motor Vehicles to develop such a plate; providing requirements for such a plate; providing an annual surcharge for the plate; providing for the use of such surcharge; amending s. 322.271, F.S.; requiring that a person whose driving privilege has been revoked under a specified provision only be granted restricted driving privileges on the condition that he or she operates only a vehicle that displays a DUI license plate; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. (1) The Department of Highway Safety and Motor Vehicles shall develop a DUI license plate that must be

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24 displayed on any vehicle that is operated by a person whose
25 driving privileges are restricted pursuant to s. 322.271,
26 Florida Statutes, because of a conviction related to driving
27 under the influence in violation of s. 316.193, Florida
28 Statutes.

29 (2) The plate shall be a bright coral color that is easily
30 distinguishable from other plates issued in this state. The word
31 "Florida" must appear at the top of the plate, and the first
32 three letters in the alphanumeric numbering system used on the
33 plate must be "DUI".

34 (3) In addition to the other license plate fees and
35 charges collected, an annual surcharge of \$20 shall be collected
36 for each DUI plate. The proceeds from the surcharge shall be
37 deposited into the Trauma Services Trust Fund created by s.
38 395.4035, Florida Statutes, and used for purposes provided in
39 that section.

40 Section 2. Subsection (1) of section 322.271, Florida
41 Statutes, is amended to read:

42 322.271 Authority to modify revocation, cancellation, or
43 suspension order.--

44 (1)(a) Upon the suspension, cancellation, or revocation of
45 the driver's license of any person as authorized or required in
46 this chapter, except a person whose license is revoked as a
47 habitual traffic offender under s. 322.27(5) or a person who is
48 ineligible to be granted the privilege of driving on a limited
49 or restricted basis under subsection (2), the department shall
50 immediately notify the licensee and, upon his or her request,
51 shall afford him or her an opportunity for a hearing pursuant to

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chapter 120, as early as practicable within not more than 30 days after receipt of such request, in the county wherein the licensee resides, unless the department and the licensee agree that such hearing may be held in some other county.

(b) A person whose driving privilege has been revoked under s. 322.27(5) may, upon expiration of 12 months from the date of such revocation, petition the department for reinstatement of his or her driving privilege. Upon such petition and after investigation of the person's qualification, fitness, and need to drive, the department shall hold a hearing pursuant to chapter 120 to determine whether the driving privilege shall be reinstated on a restricted basis solely for business or employment purposes.

(c) For the purposes of this section, the term:

1. "A driving privilege restricted to business purposes only" means a driving privilege that is limited to any driving necessary to maintain livelihood, including driving to and from work, necessary on-the-job driving, driving for educational purposes, and driving for church and for medical purposes.

2. "A driving privilege restricted to employment purposes only" means a driving privilege that is limited to driving to and from work and any necessary on-the-job driving required by an employer or occupation.

Driving for any purpose other than as provided by this paragraph is not permitted by a person whose driving privilege has been restricted to employment or business purposes. In addition, a person whose driving privilege is restricted to employment or

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80 business purposes remains subject to any restriction that
81 applied to the type of license which the person held at the time
82 of the order of suspension, cancellation, or revocation. As a
83 condition of the issuance of restricted driving privileges, the
84 department shall also restrict a person whose driving privilege
85 has been revoked under s. 322.28(2) to operating only a vehicle
86 that displays a DUI license plate.

87 Section 3. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 905 Transportation Concurrency Management
SPONSOR(S): Goodlette and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1862

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Government Council	8 Y, 0 N	Grayson	Hamby
2) Transportation & Economic Development Appropriations Committee		McAuliffe 	Gordon 
3) State Infrastructure Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

HB 905 expressly provides local governments with the authority to impose stricter concurrency requirements than those provided in existing law. Concurrency is a growth management concept intended to ensure that the necessary public facilities and services are available concurrent with the impacts of development. Specifically, existing law provides that transportation facilities needed to serve new development must be in place or under construction within 3 years after local government approves either a building permit, or its functional equivalent, that results in traffic generation. The bill allows local government to establish a shorter period of time than 3 years, including "real-time concurrency" which is the ability to require the facilities to be in place prior to permitting development that would result in traffic generation.

The bill changes the effective date of the requirement to adopt a supporting comprehensive plan amendment in conjunction with a transportation concurrency exception area (TCEA). This mechanism is used to provide for an exception to the concurrency requirements under certain conditions when facilities concurrency conflicts with other public policy goals and leads to the discouragement of urban infill development and redevelopment. Existing law requires such a supporting amendment even for existing TCEAs. The bill applies that requirement only to TCEAs granted after July 1, 2006.

The bill changes existing law to allow for alternative means, rather than a single method (proportionate fair-share mitigation), to mitigate the impacts of development on transportation facilities.

The bill does not appear to have a fiscal impact on state resources. The bill may increase the demand for local expenditures to ensure that transportation facilities are funded and in place in tandem with development demand.

The bill has an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill allows local government to be more restrictive in implementing transportation facilities concurrency. If local government chooses to be more restrictive than the state standard, then such action could be considered to either limit government by decentralizing the implementation standard or increase government by further restricting when development may occur.

Safeguard individual liberty – The bill allows local government to be more restrictive in implementing transportation facilities concurrency. Thus, if local government chooses a more restrictive implementation, then such action could be considered to decrease or prohibit a private organization (developer) in the conduct of its affairs.

B. EFFECT OF PROPOSED CHANGES:

Background

Transportation Concurrency - CS/CS/CS SB 360 (2005)

The 2005 Legislature enacted CS/CS/CS SB 360 relating to infrastructure funding and planning (ch. 2005-290, L.O.F., the “2005 Act”). Among other revisions to existing law, the act provides for stricter facilities concurrency than existed in prior law. Concurrency is a growth management concept intended to ensure that the necessary public facilities and services are available concurrent with the impacts of development. One of the types of facilities to which concurrency applies under the 2005 Act is transportation facilities. Specifically, the 2005 Act provided that *transportation facilities must be in place or under actual construction within 3 years from the local government’s approval of a building permit or its functional equivalent that results in traffic generation*. To carry out transportation concurrency, local governments must define what constitutes an adequate level of service and measure whether the service needs of a new development exceed existing capacity and any scheduled improvements in the capital improvements element of the local government’s comprehensive plan.

Transportation Concurrency Exception Areas

The law provides that under limited circumstances, the requirement for transportation facilities concurrency conflicts with other public policy goals and leads to the discouragement of urban infill development and redevelopment. In such instances, existing law allows a local government to designate a transportation concurrency exception area (TCEA) to provide for an exception to the concurrency requirements. This results in an increase in the number of people and goods that need to move around within the TCEA and means that their mobility must be addressed in ways other than the traditional provision of roads. When a local government chooses to designate a TCEA, they must follow certain requirements in the law. Among those requirements is the adoption of a comprehensive plan amendment that supports the designated area in the ways outlined below.

- Implements strategies to support and fund mobility within the TCEA, including alternative modes of transportation.
- Demonstrates how strategies will support the purpose of the exception area and how mobility within the exception area will be provided.
- Addresses urban design; appropriate land use mixes, including intensity and density; and network connectivity plans needed to promote urban infill, redevelopment, or downtown revitalization.
- Be accompanied by data and analysis justifying the size of the area.

Proportionate Fair-Share Mitigation

The 2005 Act established a single method by which development could proceed ahead of supporting transportation facilities. The method is referred to as “proportionate fair-share mitigation.” The intent of proportionate fair-share mitigation is to provide applicants for development an opportunity to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their share of the cost of improving the impacted transportation facility.

A developer may choose to satisfy transportation concurrency requirements by contributing or paying “proportionate fair-share mitigation” for those facilities or segments that are identified in the 5-year schedule of capital improvements. If the funds in an adopted 5-year schedule are insufficient to fully fund construction of the transportation improvements required by the local government’s transportation concurrency management system, the local government may still enter into a binding proportionate share agreement with the developer. This agreement would allow a developer to construct the amount of development on which the proportionate fair share is calculated if the amount in the agreement is sufficient to pay for an improvement that will, in the opinion of a governmental entity, significantly benefit the impacted transportation system.

Effect of Proposed Changes

Stricter concurrency requirements: HB 905 expressly allows local government to adopt a stricter concurrency requirement, including real-time concurrency, than that provided in existing law. Existing law, which does not expressly provide authority to establish stricter concurrency standards, does provide that transportation facilities needed to serve new development must be in place or under construction within 3 years after local government approves either a building permit, or its functional equivalent, that results in traffic generation. Thus, under the bill, a local government may choose to require that such facilities need to be in place, or under construction, within any time period shorter than 3 years, after issuance of the building permit. Additionally, the bill expressly allows local government to establish “real-time concurrency” which would mean that no development would be allowed to proceed until “adequate transportation facilities are in place.”

Transportation concurrency exception areas: Existing law requires that a local government that has designated a transportation concurrency exception area must also adopt a comprehensive plan amendment to support the exception area. The bill changes the effective date of the requirement to adopt such a comprehensive plan amendment. The bill only requires such a comprehensive plan amendment for those exception areas granted after July 1, 2006.

Proportionate Fair-Share Mitigation: The bill changes existing law to allow for alternative means, rather than a single method, to mitigate the impacts of development on transportation facilities. Existing law provides that “proportionate fair-share mitigation” is the sole method for mitigating such impacts. Thus, the bill allows a local government to adopt some alternative manner for mitigating such impacts, rather than being restricted to only using the “proportionate fair-share mitigation” method.

C. SECTION DIRECTORY:

Section 1 – Amends s. 163.3180(2)(c), (5)(e), and (16), F.S., relating to transportation concurrency.

Section 2 – Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to have an impact on state revenues.

2. Expenditures:

The bill does not appear to have an impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to have an impact on local revenues.

2. Expenditures:

The bill may increase the demand for local expenditures to ensure that transportation facilities are funded and in place in tandem with development demand.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may have an impact on the private sector by limiting when development may proceed in relation to the availability of adequate transportation facilities.

D. FISCAL COMMENTS:

Not applicable.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

The bill does not appear to contain any other constitutional issues.

B. RULE-MAKING AUTHORITY:

The bill does not contain any rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Lines 28 – 34 of the bill may lead to confusion over the intended scope of its application. The new language added to s. 163.3180(2)(c), F.S., specifically states:

Nothing in *this section* prohibits a local government from adopting stricter concurrency requirements, including real-time concurrency, under which a local government a local government need not issue a building permit or its functional equivalent for a new development under any circumstances that result in traffic generation until adequate transportation facilities are in place. [emphasis provided]

Reference to “this section” may be interpreted to mean the entire s. 163.3180, F.S. It is unclear whether the new provision allows a local government to adopt stricter concurrency requirements solely for transportation facilities by its inclusion into the paragraph relating solely to transportation facilities, or more broadly for any of other facilities addressed in the “section” (i.e., sanitary sewer, solid waste, drainage, potable water, parks and recreation, or schools).

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.

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A bill to be entitled

An act relating to transportation concurrency management; amending s. 163.3180, F.S.; providing an exception to certain in-place or under-actual-construction requirements for transportation facilities serving new developments for certain stricter concurrency requirements by local governments; restricting a requirement that local governments adopt into a plan and implement certain strategies relating to exception areas to circumstances in which an exception is granted; limiting application of certain proportionate fair-share mitigation provisions to circumstances in which a local government elects to use such provisions instead of a concurrency management system; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (c) of subsection (2), paragraph (e) of subsection (5), and subsection (16) of section 163.3180, Florida Statutes, are amended to read:

163.3180 Concurrency.--

(2)

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation. Nothing in this section prohibits

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a local government from adopting stricter concurrency requirements, including real-time concurrency, under which a local government need not issue a building permit or its functional equivalent for a new development under any circumstances that result in traffic generation until adequate transportation facilities are in place.

(5)

(e) If a local government grants an exception from the concurrency requirement for transportation facilities pursuant to paragraph (b) after July 1, 2006, the local government shall adopt into the plan and implement strategies to support and fund mobility within the designated exception area, including alternative modes of transportation. The plan amendment shall also demonstrate how strategies will support the purpose of the exception and how mobility within the designated exception area will be provided. In addition, the strategies must address urban design; appropriate land use mixes, including intensity and density; and network connectivity plans needed to promote urban infill, redevelopment, or downtown revitalization. The comprehensive plan amendment designating the concurrency exception area shall be accompanied by data and analysis justifying the size of the area.

(16) It is the intent of the Legislature to provide alternatives ~~a method~~ by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. If a local government elects to use proportionate fair-share mitigation in lieu of its existing concurrency management system as adopted in its

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comprehensive plan, the methodology used to calculate proportionate fair-share mitigation under this section shall be as provided for in subsection (12) and the following provisions shall apply:-

(a) By December 1, 2006, each local government shall adopt by ordinance a methodology for assessing proportionate fair-share mitigation options. By December 1, 2005, the Department of Transportation shall develop a model transportation concurrency management ordinance with methodologies for assessing proportionate fair-share mitigation options.

(b)1. In its transportation concurrency management system, a local government shall, by December 1, 2006, include methodologies that will be applied to calculate proportionate fair-share mitigation. A developer may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate fair-share mitigation if transportation facilities or facility segments identified as mitigation for traffic impacts are specifically identified for funding in the 5-year schedule of capital improvements in the capital improvements element of the local plan or the long-term concurrency management system or if such contributions or payments to such facilities or segments are reflected in the 5-year schedule of capital improvements in the next regularly scheduled update of the capital improvements element. Updates to the 5-year capital improvements element which reflect proportionate fair-share contributions may not be found not in compliance based on ss. 163.164(32) and 163.3177(3) if additional contributions, payments or funding sources are

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reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.

2. Proportionate fair-share mitigation shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the local government's impact fee ordinance.

(c) Proportionate fair-share mitigation includes, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities and may include public funds as determined by the local government. The fair market value of the proportionate fair-share mitigation shall not differ based on the form of mitigation. A local government may not require a development to pay more than its proportionate fair-share contribution regardless of the method of mitigation.

(d) Nothing in this subsection shall require a local government to approve a development that is not otherwise qualified for approval pursuant to the applicable local comprehensive plan and land development regulations.

(e) Mitigation for development impacts to facilities on the Strategic Intermodal System made pursuant to this subsection requires the concurrence of the Department of Transportation.

(f) In the event the funds in an adopted 5-year capital improvements element are insufficient to fully fund construction of a transportation improvement required by the local government's concurrency management system, a local government and a developer may still enter into a binding proportionate-

113 share agreement authorizing the developer to construct that
114 amount of development on which the proportionate share is
115 calculated if the proportionate-share amount in such agreement
116 is sufficient to pay for one or more improvements which will, in
117 the opinion of the governmental entity or entities maintaining
118 the transportation facilities, significantly benefit the
119 impacted transportation system. The improvement or improvements
120 funded by the proportionate-share component must be adopted into
121 the 5-year capital improvements schedule of the comprehensive
122 plan at the next annual capital improvements element update.

123 (g) Except as provided in subparagraph (b)1., nothing in
124 this section shall prohibit the Department of Community Affairs
125 from finding other portions of the capital improvements element
126 amendments not in compliance as provided in this chapter.

127 (h) The provisions of this subsection do not apply to a
128 multiuse development of regional impact satisfying the
129 requirements of subsection (12).

130 Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 963 CS

License Plates

SPONSOR(S): Gannon

TIED BILLS:

IDEN./SIM. BILLS: SB 1450

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Transportation Committee</u>	<u>14 Y, 1 N, w/CS</u>	<u>Thompson</u>	<u>Miller</u>
2) <u>Transportation & Economic Development Appropriations Committee</u>	<u></u>	<u>McAuliffe</u>	<u>Gordon</u>
3) <u>State Infrastructure Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

HB 963 w/CS creates the "Donate Organs-Pass It On" specialty license plate, and establishes an annual use fee of \$25 to be paid by purchasers in addition to license taxes and fees. The annual use fee will be distributed to Transplant Foundation, Inc., to fund marketing and administrative costs, grants for patient services, including preoperative, and housing assistance, organ donor education and awareness programs, and statewide medical research.

The organization seeking authority for this plate has submitted the information and application fee required by current law.

The fiscal impact of the bill of approximately \$60,000 on the Department of Highway Safety and Motor Vehicles (DHSMV) for implementation of the new specialty license plate will be offset by the application fees paid to DHSMV by the sponsoring organization.

The bill will take effect July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government - The bill appears to increase government in that it requires DHSMV to develop and provide for the manufacture of a new license plate, and therefore requires county tax collectors offices to maintain an appropriate inventory and administer the new plate.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Currently, specialty license plates are available to any owner or lessee of a motor vehicle who is willing to pay an annual use fee for the privilege. Annual use fees ranging from \$15 to \$25, paid in addition to required license taxes and service fees, are distributed to an organization or organizations in support of a particular cause or charity signified in the plate's design and designated in statute. The Legislature may create a specialty license plate under its own initiative or it can do so at the request of an organization. Under s. 320.08053, F.S., an organization may seek Legislative authorization for a new specialty license plate by meeting a number of requirements.

An organization is first required to submit to the Department of Highway Safety and Motor Vehicles (DHSMV):

- A request for the plate describing it in general terms;
- The results of a professional, independent, and scientific sample survey of Florida residents indicating that 15,000 vehicle owners intend to purchase the plate at the increased cost;
- An application fee of up to \$60,000 defraying DHSMV's cost for reviewing the application, developing the new plate, and providing for the manufacture and distribution of the first run of plates; and
- A marketing strategy for the plate and a financial analysis of anticipated revenues and planned expenditures.

These requirements must be satisfied at least 90 days prior to the convening of the regular session of the Legislature. Once the requirements are met, DHSMV notifies the committees of the House of Representatives and Senate with jurisdiction over the issue, and the organization is free to find sponsors and pursue Legislative action.

If a proposed specialty plate fails to be enacted by the Legislature, DHSMV returns the application fee and other required documents to the organization. If it passes and becomes law, DHSMV notifies the organization, modifies its computer programming to accommodate the new plate, and requests the laminate manufacturer, 3M Company, to produce a prototype roll-coat. PRIDE, the contracted manufacturer of license plates, embosses and roll-coats sample plates that must be submitted to FHP, the Governor, and the Cabinet for approval. Once approval is given, PRIDE begins full production of the plates and distributes them to the Tax Collectors' Offices for sale to the public.

Discontinuance of an approved specialty license plate occurs only when the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is to be mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. According to DHSMV there are currently twenty-two plates that are not meeting the minimum sales requirement and could be discontinued in 2006 if their sales do not increase. If none of these plates meet the minimum sales requirement by next summer, the number of plates offered for sale could be reduced to seventy-eight.

Specialty license plates are distinguished from other types of specialized license plates by the fact that anyone may obtain one by simply paying an additional annual use fee, and by the fact that annual use fees are dedicated to supporting a particular cause or organization. The Legislature has also created a number of specialized license plates that are not specialty plates. These plates differ because the purchaser must be eligible by his or her status to obtain the plate, and because ownership of these plates does not require payment of an annual use fee that is distributed for charitable purposes. These types of "status plates" are referred to in the statutes as special plates, and include: the Governor and Legislator plates; the amateur radio operators plate; the disabled veterans plate; the street rods plate; the National Guard, Pearl Harbor Survivor, Combat-wounded veteran and U.S. Reserve plates; and the Medal of Honor plate.

The statutes provide for all specialty plates within ss. 320.08056 and 320.08058, F.S., and provide for a uniform procedure for approval and authorization in s. 320.08053, F.S. By comparison, other specialized plates (the status or special plates) are created on an ad hoc basis by the Legislature, and the statutes provide for them independently of one another in separate sections. It is unnecessary for a proponent of a special plate to obtain prior approval before seeking Legislative action.

The Legislature has enacted 106 specialty license plates to date, though only 100 are currently available for purchase. Annual use fees for sales of specialty license plates for 2003-2004 totaled \$26,168,581 and for fiscal year 2004-2005 the total was \$29,049,472.90. Since the program's inception in 1986, the DHSMV has collected annual use fees totaling more than \$280 million.

Effect of Proposed Changes

HB 963 w/CS directs DHSMV to develop the "Donate Organs-Pass It On" license plate. A qualified motor vehicle owner may obtain the "Donate Organs-Pass It On" license plate upon payment of a \$25 annual use fee in addition to the appropriate license taxes and service fees.

Transplant Foundation, Inc., a tax-exempt organization affiliated with the University of Miami School of Medicine, will retain 10 percent of the proceeds from the annual use fee to fund marketing and administrative costs directly associated with the management and distribution of the proceeds. The remaining proceeds are to be used to provide statewide grants for patient services, which includes preoperative, rehabilitative, and housing assistance, organ donor education and awareness programs, and for statewide medical research.

According to DHSMV, the Transplant Foundation, Inc., has met all the requirements set fourth in s. 320.08058, F.S. with regard to the "Donate Organs-Pass It On" specialty license plate.

C. SECTION DIRECTORY:

Section 1. Amends s. 320.08056, F.S., providing for a \$25 annual use fee for the "Donate Organs-Pass It On" license plate;

Section 2. Amends s. 320.08058, F.S., creating the "Donate Organs-Pass It On" license plate; providing for plate design; and providing for distribution and uses of annual use fees;

Section 3. Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS section below.

2. Expenditures:

See FISCAL COMMENTS section below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Persons who elect to purchase these specialty license plates, will be required to pay an annual use fee of \$25 in addition to applicable license taxes and administrative charges. The fee from the "Donate Organs-Pass It On" license plate will be distributed to the Transplant Foundation, Inc. Proceeds from the sale of this license plate will fund Transplant Foundation, Inc. marketing and administrative costs and statewide grants for patient services, and medical research.

Since it is impossible to determine how many persons will purchase the plates, it is impossible to determine the aggregate impact on the private sector.

D. FISCAL COMMENTS:

Implementation of HB 963 w/CS will cost DHSMV approximately \$60,000 in contract programming, development labor, and product purchasing costs for creation of the "Donate Organs-Pass It On" license plate. This impact is offset by the statutory application fee of \$60,000, which has been submitted to DHSMV by the organization seeking creation of the specialty license plate.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No additional rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On **March 14, 2006** the Transportation Committee amended HB 963 to change the name of the license plate from "Organ Donor Awareness" to the "Donate Organs-Pass It On" specialty license plate. The amendment also revised the uses of annual use fee proceeds to allow Transplant Foundation, Inc., to fund marketing and administrative costs, and to broaden the uses to statewide grants for patient services and statewide medical research.

The committee then voted 14-1 to report the bill favorably with committee substitute.

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CHAMBER ACTION

The Transportation Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to license plates; amending ss. 320.08056 and 320.08058, F.S.; creating a Donate Organs-Pass It On license plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (eee) is added to subsection (4) of section 320.08056, Florida Statutes, to read:

320.08056 Specialty license plates.--

(4) The following license plate annual use fees shall be collected for the appropriate specialty license plates:

(eee) Donate Organs-Pass It On license plate, \$25.

Section 2. Subsection (57) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.--

(57) DONATE ORGANS-PASS IT ON LICENSE PLATES.--

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24 (a) The department shall develop a Donate Organs-Pass It
25 On license plate as provided in this section. The word "Florida"
26 must appear at the top of the plate, and the words "Donate
27 Organs-Pass It On" must appear at the bottom of the plate.

28 (b) The annual use fees shall be distributed to Transplant
29 Foundation, Inc., a tax-exempt organization under s. 501(c)(3)
30 of the Internal Revenue Code that is affiliated with the
31 University of Miami School of Medicine. Transplant Foundation,
32 Inc., shall use up to 10 percent of the proceeds from the annual
33 use fee for marketing the license plate and administrative costs
34 that are directly associated with the management and
35 distribution of the proceeds. The remaining proceeds shall be
36 used to provide statewide grants for patient services, including
37 preoperative, rehabilitative, and housing assistance, organ
38 donor education and awareness programs, and statewide medical
39 research.

40 Section 3. This act shall take effect July 1, 2006.